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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 29 1993

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In the Matter of:)
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Communications Assistance for Law
Enforcement Act)
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_____)

CC Docket No. 97-213

**MOTION FOR 7-DAY EXTENSION OF TIME
FOR REPLY COMMENTS**

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MOTION FOR 7-DAY EXTENSION OF TIME FOR REPLY COMMENTS

The Department of Justice and the Federal Bureau of Investigation (hereafter referred to jointly as "the government") hereby move, pursuant to Rule 1.46 (47 C.F.R. § 1.46), for a 7-day extension of time in which to file reply comments in this proceeding. The basis for this motion is as follows:

1. On April 20, 1998, the Commission released a public notice soliciting comments on several pending petitions relating to In the Matter of Communications Assistance for Law Enforcement Act, CC Docket No. 97-213. The public notice solicited comments regarding the government's joint petition for expedited rulemaking and related petitions filed by the Center for Democracy and Technology ("CDT") and the Telecommunications Industry Association ("TIA"). These petitions concern the implementation of the telecommunications carrier assistance capability requirements of Section 103 of the Communications Assistance for Law Enforcement Act ("CALEA"), 47 U.S.C. § 1002.

2. The Commission asked for comments regarding "the issues raised [in the petitions] concerning the scope of the assistance capability requirements necessary to satisfy the obligations imposed by CALEA." The Commission specifically requested comments regarding "whether the capabilities discussed in the petitions from CDT and the FBI and DoJ fall within the scope of CALEA." The Commission also requested comments on proposals to "remand" the development of additional standards to a TIA subcommittee.

3. The Commission directed interested persons to file comments by May 20, 1998. The Commission further directed that reply comments be filed no later than June 5, 1998.

4. On May 20, the Commission received comments from more than 20 parties, including the TIA and other telecommunications industry associations, many individual telecommunications

carriers, and a number of public interest organizations. With a single exception, all of the commenters oppose the government's rulemaking petition.

5. The commenters have submitted over 400 pages of comments and hundreds of additional pages of supporting material. The comments address a wide range of matters relating to the assistance capability requirements of Section 103 of CALEA and the corresponding portions of the government's petition and proposed rule. The comments take issue with the government's position regarding the history and purpose of CALEA, the general scope of Section 103, the meaning of specific provisions in Section 103, the adequacy of the industry's interim standard, and the appropriateness of the government's proposed standards. The comments raise issues of law, public policy, and technical and engineering matters.

6. It will be extremely difficult for the government to respond to these voluminous filings by June 5 in a way that will provide adequate assistance to the Commission in its consideration of this matter. The government's reply must address scores of distinct issues and arguments presented by the various comments. The preparation of the government's reply involves coordination among a number of components of the Department of Justice and the FBI and requires collaboration between law enforcement, legal, and technical personnel. The tasks of analyzing the comments, discussing and drafting responses, and reviewing and revising the government's reply cannot be handled adequately within the very limited time provided under the current schedule.

7. A short extension of reply time would significantly assist the government in preparing its responses to the comments. It also would ensure that the government's responses are framed and organized in a manner that will best assist the Commission in its deliberations. At the same time,

a brief extension of reply time should not materially delay the Commission's ultimate disposition of the pending petitions.

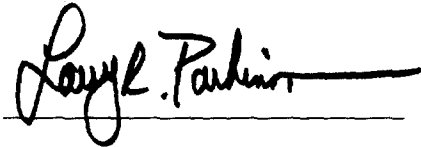
8. A brief extension of time is particularly warranted because of the importance of the subject matter of this proceeding. Although the parties disagree about the adequacy of the industry's interim standard and the need for the additional capabilities identified in the government's petition, it is common ground that CALEA is intended to further important public interests and that the Commission's disposition of the present rulemaking petitions may have a significant impact on law enforcement, the telecommunications industry, and the public. The importance of this proceeding weighs in favor of ensuring that the parties have an adequate opportunity to present their views to the Commission, consistent with the overall interest in expedition identified in the government's petition.

9. For these reasons, the government respectfully asks the Commission to extend the deadline for the filing of reply comments by seven days, from June 5, 1998, to June 12, 1998. The extension should apply not only to the government, but also to all other parties who intend to file replies to the May 20 comments.

DATE: May 29, 1998

Respectfully submitted,

Louis J. Freeh, Director
Federal Bureau of Investigation

A handwritten signature in black ink, reading "Larry R. Parkinson", written over a horizontal line.

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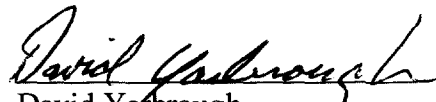
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CC Docket No. 97-213

I, David Yarbrough, a Supervisory Special Agent in the office of the Federal Bureau of Investigation (FBI), Washington, D.C., hereby certify that, on May 29, 1998, I caused to be served, by first-class mail, postage prepaid (or by hand where noted) copies of the above-referenced Motion for 7-Day Extension of Time for Reply Comments, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Washington, D.C. this 29th day of May, 1998.


David Yarbrough